IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7745 OF 2003

Ravalnath Sahakari Dudh Vyavasik Sanstha
Maryadit : :Petitioner

V/s.

The Assistant Registrar, Co-operative
Societies (Dairy) & Ors. : Respondents

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Mr.V. B. Rajure for the petitioner.

Mr.D. A. Patil, Asstt. Govt. Pleader for respondent nos.1 to 3.

Mr.Dalvi for respondent no.5.

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CORAM : S.A. BOBDE, J.

March 17, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Patil, learned Asstt. Govt. Pleader for respondent nos.1 to 3, and Mr.Dalvi for respondent no.5 waive service of rule.

Heard by consent.

2. After hearing the learned counsel for the parties for

sometime, the following order is passed by consent:-

In view of the respondent-society having been registered, the petitioner shall be entitled to file an appeal against the Registrar under section 152 of the Maharashtra Co-operative Societies Act, 1960. In that appeal, the petitioner shall be entitled to raise all questions on fact as well as law, including the grievance about not having been heard before permission was granted to respondent no.5 to collect milk. Pending decision on the appeal, status quo as on today shall continue. The respondent no.5 shall not collect milk from the members of the petitioner-society or their relatives. The respondents shall not raise any objection as to the limitation before the appellate authority. The appellate authority shall decide the appeal uninfluenced by the observations made in this order. The appellate authority shall decide the appeal within four weeks from the date of filing of the appeal.

3. The rule is made absolute in the aforesaid terms.

Sd/-

S.A. BOBDE, J.